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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,391

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

DARE, RYAN A

ART UNIT

PAPER NUMBER

2186

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,391	Applicant(s) BLACQUIERE ET AL.	
	Examiner RYAN DARE	Art Unit 2186	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Oliveri, US Patent 7,058,786.

3. With respect to claim 1, Oliveri teaches a method for dividing user storage space of an optical disc, the method comprising the steps of:

dividing the user storage space into one or more storage sections where a specific application is allowed to write and one or more sections where said application is not allowed to write, wherein the user storage space is space on the disc that is available for storing user data, in col. 3, lines 6-17, which describe the user address space, and col. 4, lines 37-49, which describe assigning a data structure for a user application with access rights; and

defining one or more availability parameter(s) which define(s) location and/or extent of at least one application-allowed storage section in the user storage space, in col. 4, lines 37-49.

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4. With respect to claim 13, Oliveri teaches a method of writing information to an optical disc comprising the steps of: determining the value of the availability parameter(s); determining at least one predefined application-allowed storage section of a user storage space on the basis of said availability parameter(s); consulting application-specific recording location information regarding location and extent of recorded areas; selecting, within said application-allowed storage section, free area suitable for accommodating the information to be written, taking into account said recorded areas as determined by said application-specific recording location information; writing said information within said free area thus selected, in col. 3, lines 6-17 and col. 4, lines 37-49.

5. With respect to claim 17, Oliveri teaches this, as discussed above in the rejection of claim 1.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 2-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oliveri as applied to claims 1 and 13 above, in view of Yonemitsu et al., US Patent 5,734,787.

9. With respect to claim 2, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the method according to claim 1, wherein at least some of said one or more availability parameter(s) is(are) incorporated in a standard format for the application concerned, in col.12, lines 37-65.

10. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

11. With respect to claim 3, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the method according to claim 1, wherein at least some of said one or more availability parameter(s) is(are) variable parameters whose value(s) is(are) stored in a predetermined area or location of user storage space of the disc, in col. 11, lines 12-49

12. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to

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modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

13. With respect to claim 4, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the method according to any of claim 1, wherein at least one of said availability parameter(s) defines a borderline address between an application-allowed storage section and an application-forbidden storage section, in col. 11, lines 12-49.

14. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

15. With respect to claim 5, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the method according to claim 1, wherein at least one of said availability parameter(s) defines an extremity address of an application-allowed storage section, in col. 11, lines 12-49.

16. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

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17. With respect to claim 6, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the method of claim 1, wherein at least one of said availability parameter(s) defines a length of an application-allowed storage section, in col. 11, lines 12-49.

18. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

19. With respect to claim 7, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches a user-writeable optical disc, the optical disk comprising: a user storage space divided into one or more storage sections where a specific application is allowed to write and one or more sections where said application is not allowed to write; and a predetermined area or location of storage space where one or more availability parameter(s) is(are) stored which define(s) location and/or extent of at least one application-allowed storage section in the user storage space, in col. 11, lines 12-49.

20. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

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21. With respect to claim 8, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the user-writeable optical disc according to claim 7, wherein at least one of said availability parameter(s) defines a borderline address between an application-allowed storage section and an application-forbidden storage section, in col. 11, lines 12-49.

22. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

23. With respect to claim 9, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the user-writeable optical disc according to claim 7, wherein at least one of said availability parameter(s) defines an extremity address of an application-allowed storage section, in col. 11, lines 12-49.

24. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

25. With respect to claim 10, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the user-

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writeable optical disc according to claim 7, wherein at least one of said availability parameter(s) defines a length of an application-allowed storage section, in col. 11, lines 12-49.

26. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

27. With respect to claim 11, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the user-writeable optical disc according to claims 7, wherein the values of said parameters are stored as a table in a predetermined area or location of the user storage space of the disc, in col. 12, lines 37-65.

28. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

29. With respect to claim 12, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the User-writeable optical disc according to claim 11, wherein said table contains at least one entry defining the length of the table, in col. 12, lines 37-65.

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30. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

31. With respect to claim 14, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the method of writing information to an optical disc according to claim 7, comprising the steps of: reading the availability parameter(s) from disc; determining at least one predefined application-allowed storage section in the user storage space on the basis of said availability parameter(s); consulting application-specific recording location information regarding location and extent of recorded areas in the user storage space; selecting, within said application-allowed storage section, free area suitable for accommodating the information to be written, taking into account said recorded areas as determined by said application-specific recording location information; writing said information within said free area thus selected, in col. 11, lines 12-49.

32. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

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33. With respect to claim 15, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the method according to claim 13, wherein writing to an address outside said application-allowed storage section is avoided, in col. 11, lines 12-49.

34. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

35. With respect to claim 16, Oliveri teaches all other limitations of the parent claim, but fails to teach the limitation of the present claim. Yonemitsu teaches the method according to claim 14, wherein, if it appears that the size of the free area is insufficient to accommodate the information to be written, the following steps are taken: determining whether the application-forbidden storage section outside said application-allowed storage section, either by itself or in combination with the free area already found, contains a storage space portion suitable and sufficient for accommodating the information to be written; amending at least one of said availability parameter(s) such as to increase the size of said application-allowed storage section, in col. 11, lines 12-49 where the program area is expanded as the tracks are sequentially written.

36. It would have been obvious to one of ordinary skill in the art, having the teachings of Yonemitsu and Oliveri before him at the time the invention was made, to

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modify the application-restricting memory system of Oliveri with the application-restricting memory system of Yonemitsu in order to provide higher access speeds, as taught by Yonemitsu in col. 2, lines 29-32.

Response to Arguments

37. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN DARE whose telephone number is (571)272-4069. The examiner can normally be reached on Mon-Fri 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571)272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ryan Dare/

July 1, 2009

/Matt Kim/

Supervisory Patent Examiner, Art Unit 2186